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Attorneys for Defendant LogMeIn, Inc.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARREN HANDY,

Plaintiff,

v.

LOGMEIN, INC.,

Defendant.

No. 1:14-cv-01355---JLT

**STIPULATION AND [PROPOSED]
ORDER CONTINUING STATUS
CONFERENCE**

(Doc. 13)

TO THE HONORABLE COURT:

Plaintiff Darren Handy (“Plaintiff”) and Defendant LogMeIn, Inc. (“Defendant”), by and through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, Plaintiff filed his Complaint on August 28, 2014 (ECF No. 1);

WHEREAS, on August 29, 2014, the Court issued an Order Setting Mandatory Scheduling Conference setting a scheduling conference for December 17, 2014 (ECF No. 3);

WHEREAS, on November 19, 2014, the Court continued the scheduling conference until January 26, 2014 (ECF No. 4);

WHEREAS, Defendant waived service of the Complaint on December 1, 2014, and its response to the Complaint is due on January 30, 2014 (ECF No. 9);

WHEREAS, counsel for Defendant entered their notice of appearance on December 3, 2014 (ECF Nos. 5, 7);

WHEREAS, the Order Setting Mandatory Scheduling Conference requires the parties to file a statement regarding their legal and factual contentions in their pleadings and contemplates an analysis of both parties’ positions by January 16, 2014;

WHEREAS, Defendant’s responsive pleading to the Complaint is not due until January 30, 2014 and Defendant is in the process of investigating Plaintiff’s allegations and its potential defenses;

WHEREAS, the parties conferred and agree that continuing the scheduling conference until after Defendant’s response deadline would allow a more meaningful analysis of each party’s factual and legal contentions;

WHEREAS, holding the scheduling conference on February 26, 2015 would allow the Court to satisfy Federal Rule of Civil Procedure 16(b)(2)’s requirement that a scheduling order issue within 120 days of service of the complaint upon defendant (*i.e.*, by March 30, 2015) or within 90 days after a defendant has appeared (*i.e.*, by March 3, 2014), whichever is earlier;

WHEREAS, extending the scheduling conference until February 26, 2015 would not delay any pending proceeding before the Court; and

WHEREAS, this is the first request by either party to modify any deadline in this case;

1 **IT IS HEREBY STIPULATED** and agreed by and between the parties that:

2 1. The scheduling conference shall be continued until February 26, 2015; and

3 2. The parties shall otherwise comply with the deadlines imposed by the Court's
4 Order Setting Mandatory Scheduling Conference, including filing a joint report at least one full
5 week prior to the scheduling conference.

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1 Dated: January 9, 2015

Respectfully submitted,

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3 By /s/ Brian T. Glennon

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15 *Attorneys for Defendant LogMeIn, Inc.*

16
17 Dated: January 9, 2015

By /s/ Matthew M. Loker (as authorized on 1/9/15)

Matthew M. Loker

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25 *Attorneys for Plaintiff Darren Handy*

ORDER

Based upon the stipulation of counsel and to allow time for Defendant to file its responsive pleading, the Court **ORDERS**:

1. The scheduling conference is **CONTINUED** to February 26, 2015 at 9:30 a.m.; and
2. No other modifications to the Court's Order Setting Mandatory Scheduling Conference are authorized.

IT IS SO ORDERED.

Dated: **January 9, 2015**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE